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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,565	06/29/2001	Yoshiyuki Seki	2019.004	7968

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,565

Applicant(s)

SEKI ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-8, 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 4-5 and 10-11 are objected to because of the following informalities: The depend from canceled claims 3 and 9. For purposes of further examination, they will be considered as depending from claims 1 and 7 respectively, because claims 1 and 7 have been amended to contain the subject matter previously recited in claims 3 and 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters USPN4438964.

As to claim 1, Peters discloses a latch for a lid that opens and closes a box, wherein one of the box and the lid is a first part and the other is a second part, the latch comprising:

- A latch 22 provided on the first part, wherein the latch engages a catch 16, which is on the second part, to prevent the lid from opening when the lid is closed (col.2, ln.7-14).
- A holding member 26, which moves between a locking position and an unlocking position.

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- The holding member 26 engages the latch 22 at the locking position and is disengaged from the latch 22 at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator 32 moves the holding member 26 from the locking position to the unlocking position (col.4, ln.14-20).
- A key lock mechanism 36, which shifts the holding member 26, by an externally manipulated key, between an operational position, at which movement of the holding member 26 by the first manipulator 32 is enabled, and a non-operational position, at which movement of the holding member 26 by the first manipulator 32 is disabled (col.2, ln.24-25).
- A second manipulator 84 for opening the lid from an inner side of the box when the lid is closed.
- The second manipulator 84 moves the holding member 26 from the locking position to the unlocking position.

As to claim 7, Peters discloses a latch for a lid that opens and closes a box, the latch comprising:

- A catch 16 extending from an inner surface of the box (col.2, ln.7-14).
- A latch 22 provided on the lid.
- The latch engages the catch 16 to prevent the lid from opening when the lid is closed (col.2, ln.7-14).

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- A holding member 26, which moves between a locking position and an unlocking position.
- The holding member 26 keeps the latch 22 engaged with the catch 16 when located at the locking position and releases the latch 22 from the catch 26 when located at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator 32 moves the holding member 26 from the locking position to the unlocking position (col.4, ln.14-20) when enabled.
- A key lock mechanism 36, which shifts the holding member 26, by an externally manipulated key, between an operational position, at which movement of the holding member 26 by the first manipulator 32 is enabled, and a non-operational position, at which movement of the holding member 26 by the first manipulator 32 is disabled (col.2, ln.24-25).
- A second manipulator 84 for opening the lid from an inner side of the box when the lid is closed.
- The second manipulator 84 moves the holding member 26 from the locking position to the unlocking position.

As to claim 13, Peters discloses a latch for a lid that opens and closes a box, the latch comprising:

- A catch 16 extending from an inner surface of the box (col.2, ln.7-14).

- A latch 22 provided on the lid, wherein the latch engages the catch 16 to prevent the lid from opening when the lid is closed (col.2, ln.7-14).
- A holding member 26, which moves between a locking position and an unlocking position.
- The holding member 26 keeps the latch 22 engaged with the catch 16 when located at the locking position and releases the catch 22 from the latch 26 when located at the unlocking position (col.3, ln.10-20).
- A first manipulator 32 for opening the lid from an outer side of the box when the lid is closed.
- The first manipulator 32 moves the holding member 26 from the locking position to the unlocking position (col.4, ln.14-20).
- A second manipulator 84 formed integrally with the holding member 26 for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator 84 moves the holding member 26 from the locking position to the unlocking position.
- A key lock mechanism 36, which shifts the holding member 26, by an externally manipulated key, between an operational position, at which movement of the holding member 26 by the first manipulator 32 is enabled, and a non-operational position, at which movement of the holding member 26 by the first manipulator 32 is disabled (col.2, ln.24-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of cited case law.

As to claim 2, Peters discloses a latch wherein:

- The second manipulator 84 is formed integrally with the holding member.

Case law indicates that one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second manipulator disclosed by Peters to be formed integrally with the holding member as taught by case law because it is a design consideration within the skill of the art.

As to claim 8, Peters discloses a latch wherein:

- The second manipulator 84 is formed integrally with the holding member.

Case law indicates that one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

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second manipulator disclosed by Peters to be formed integrally with the holding member as taught by case law because it is a design consideration within the skill of the art.

Claims 4, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Tomaszewski USPN5894749.

As to claim 4, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism 12 including a rotor 34 rotated by a key, wherein the rotor 34 is connected by a connection 10 to the holding member 52 (col.2, ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (col.1, ln.41-56) to reduce labor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski to reduce labor.

As to claim 10, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism 12 including a rotor 34 rotated by a key, wherein the rotor 34 is connected by a connection 10 to the holding member 52 (col.2, ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a

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release pawl of a latch to a key cylinder (col.1, ln.53-56) to reduce labor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski to reduce labor.

As to claim 14, Peters discloses a latch comprising:

- A key lock mechanism 36 includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism 12 including a rotor 34 rotated by a key, wherein the rotor 34 is connected by a connection 10 to the holding member 52 (col.2, ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (col.1, ln.53-56) to reduce labor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski to reduce labor.

Claim 5, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Tomaszewski USPN5894749, and further in view of Orr USPN3824817.

As to claim 5, Peters fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

Orr discloses a key cylinder 12 having a rotor 70 and restricting members 116, 118 to provide a construction that is limited to left-hand or right-hand rotation. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

As to claim 11, Peters fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

Orr discloses a key cylinder 12 having a rotor 70 and restricting members 116, 118 to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

As to claim 15, Orr fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

Orr discloses a key cylinder 12 having a rotor 70 and restricting members 116, 118 to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

Claims 6, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters USPN4438964 in view of Tanimoto USPN5129694.

As to claim 6, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

Peters does disclose a biasing member 28 that abuts against 126 to keep the first manipulator 32 in home position, however, Tanimoto more clearly discloses a door handle assembly having a biasing member 2 to keep the handle continuously urged in the closed condition (col.2, ln.35-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

As to claim 12, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

Peters does disclose a biasing member 28 that abuts against 126 to keep the first manipulator 32 in home position, however, Tanimoto more clearly discloses a door handle assembly having a biasing member 2 to keep the handle continuously urged in the closed condition (col.2, ln.35-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

As to claim 16, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

Peters does disclose a biasing member 28 that abuts against 126 to keep the first manipulator 32 in home position, however, Tanimoto more clearly discloses a door handle assembly having a biasing member 2 to keep the handle continuously urged in the closed condition (col.2, ln.35-37). It would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

Response to Arguments

Applicant's arguments filed 10/15/02 have been fully considered but they are not persuasive.

As to claims 1, 7, and 13, the Applicant argues that Peters does not describe or suggest a lock for a lid that has both a key lock mechanism as defined in these claims and a second manipulator for opening the lid from an inner side of the box when the lid is closed. The Examiner asserts that the part 84 in Peters is also a second manipulator, and the rejection stands under the same reference.

As to claims 2 and 4-6, claims 8 and 10-12, and claims 14-16 depend from rejected claims 1, 7, and 13, and are likewise rejected under the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327.

TYH

November 27, 2002


J. J. SWANN
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